



Scottish Transport Group (Port Ellen Harbour) Order Confirmation Act 1975

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ELIZABETH II



1975 CHAPTER xvi

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to Scottish Transport Group (Port Ellen Harbour).

[1st August 1975]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936, and it is requisite that the said 1936 c. 52. Order should be confirmed by Parliament:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the Scottish Transport Group Short title.
(Port Ellen Harbour) Order Confirmation Act 1975.

SCHEDULE

SCOTTISH TRANSPORT GROUP (PORT ELLEN HARBOUR)

Provisional Order to confer powers on the Scottish Transport Group with respect to the harbour of Port Ellen; and for purposes connected therewith.

1968 c. 73.

Whereas by the Transport Act 1968 the Scottish Transport Group (hereinafter referred to as "the Group") were constituted with power (inter alia) to operate harbours:

And whereas by an Act of Parliament passed in the regnal year 9 & 10 Vict. cap. xciv Walter Frederick Campbell, heritable proprietor of the village of Port Ellen in the parish of Kildalton in the county of Argyll and of the harbour or port of Port Ellen and the piers and works connected therewith, was authorised to improve and maintain the said harbour and his heirs and successors were authorised to receive tolls, rates and dues and other powers were conferred upon the said Walter Frederick Campbell, all as in the said Act provided:

And whereas by divers mesne assurances and acts in the law the said harbour and the piers and works connected therewith are now vested in the Group and they are the heritable proprietors thereof:

And whereas in order to meet the need for the urgent improvement of the facilities for the berthing of vessels at the harbour of Port Ellen and the achievement of better sea communications with the Western Isles of Scotland it is expedient that the Group should be authorised to carry out the works hereinafter described:

1949 c. 74.

And whereas the Group having obtained the consent of the Secretary of State subject to certain conditions under section 34 (Restriction of works detrimental to navigation) of the Coast Protection Act 1949 to that part of the works shown by broken lines on the deposited plans have constructed or have under construction such works and it is expedient that such works should be authorised with the remainder of the works for which authority is granted by this Order and should be deemed always to have been duly authorised:

And whereas it is expedient that the limits of the harbour should be defined as in this Order provided:

And whereas it is expedient that the further powers mentioned in this Order should be conferred upon the Group:

And whereas estimates have been prepared by the Group with respect to the following purposes and such estimates are as follows:—

	£
Construction of a pier comprising a series of solid dolphins connected by a jetty from the existing masonry pier of open construction	85,000
An extension of the above-mentioned pier in similar construction	45,000
Construction of an approach ramp and adjustable steel link bridge including operating machinery with reinforced concrete support structure ...	81,000
Partial demolition of the existing masonry pier and construction of new steel sheet piled quay wall ...	135,000

And whereas plans and sections and revised plans and sections showing the lines, situations and levels of the works to be authorised under the powers of this Order have been deposited with the sheriff clerk of the county of Argyll and such plans and sections are in this Order respectively called the deposited plans and the deposited sections and the revised deposited plans and the revised deposited sections:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936: 1936 c. 52.

Now therefore in pursuance of the powers contained in the said last-mentioned Act the Secretary of State orders as follows:—

PART I

PRELIMINARY

1. This Order may be cited as the Scottish Transport Group (Port Short title. Ellen Harbour) Order 1975.
- 2.—(1) In this Order, unless the context otherwise requires, the Interpretation. following words and expressions shall have the respective meanings hereby assigned to them:—
 - “ Act of 1846 ” means the Act the citation of which is 9 & 10 Vict. cap. xciv;
 - “ deposited plans and sections ” means the plans and sections and revised plans and sections deposited in connection with this Order;
 - “ the Group ” means the Scottish Transport Group;
 - “ harbour ” means the harbour at Port Ellen comprised within the harbour limits;
 - “ harbour limits ” means the limits within which the Group are authorised to exercise jurisdiction as defined in section 13 (Harbour limits) of this Order;
 - “ harbour limits map ” means the map deposited with the deposited plans and marked “ Scottish Transport Group (Port Ellen Harbour)—Harbour Limits Map ”;

PART I
—cont.

“harbour undertaking” means the undertaking of the Group as harbour authority in connection with the harbour as from time to time authorised;

“level of high water” means the level of mean high-water springs;

“limits of deviation” means the limits of deviation shown on the deposited plans;

“tidal work” means so much of any work authorised by this Order as is on, under or over tidal waters or tidal lands below the level of high water;

“works” means the works authorised by this Order or, as the case may require, any part thereof.

(2) Unless the context otherwise requires, any reference in this Order to any enactment shall be construed as a reference to that enactment as applied, extended, amended or varied by any subsequent enactment including this Order.

PART II

WORKS

Authorisation
of works.

3.—(1) Subject to the provisions of this Order—

(a) the following works constructed by the Group in the Strathclyde Region and District of Argyll and the parish of Kildalton and Oa and in the situations and lines shown on the deposited plans and within the limits of deviation and according to the levels shown on the deposited sections shall for all purposes be included among the works which by virtue of this Order the Group is authorised to construct and maintain, namely:—

Work No. 1 A fixed structure of steel sheet piling construction infilled behind and capped in reinforced concrete being an extension to seaward of the south-west extremity of the masonry pier and providing accommodation for the adjustable steel link bridge Work No. 3 hereinafter described and to carry the machinery therefor commencing at a point 5.2 metres (17 feet) or thereabouts west-north-west of the south-west point of the masonry pier and 9.1 metres (30 feet) south-south-west of the junction of the west and north-west faces of the said masonry pier thence extending in a south-easterly direction for a distance of 13.7 metres (45 feet) and there terminating:

Work No. 2 A fixed ramp cut into the masonry pier commencing at a width of 4.0 metres (13 feet) at a point 19.8 metres (65 feet) north-east of the south-west point of the masonry pier thence extending on a descending line for a distance of 12.2 metres (40 feet) and there terminating at a width of 5.2 metres (17 feet):

Work No. 3 An adjustable steel link bridge commencing at a width of 6·7 metres (22 feet) or thereabouts at the termination of Work No. 2 by a hinged connection with that work and extending south-westwards for a distance of 9·1 metres (30 feet) or thereabouts and to a width of 8·2 metres (27 feet) or thereabouts to form a link between any ferry ship and the fixed ramp Work No. 2 and including all machinery for lifting and lowering the end adjoining the ferry ship:

Work No. 4 A pier comprising a series of solid dolphins connected by a jetty of openwork construction commencing on the southern face of the masonry pier 10·7 metres (35 feet) or thereabouts east of the south-west point of the said masonry pier and extending in a south-south-westerly direction for a distance of 12·2 metres (40 feet) or thereabouts and thence in a south-westerly direction for a distance of 50·6 metres (166 feet) or thereabouts and there terminating:

and the Group shall be deemed always to have had power to construct the said works;

- (b) the Group may in the Strathclyde Region and District of Argyll and parish of Kildalton and Oa and in the situations and lines shown on the deposited plans and within the limits of deviation and according to the levels shown on the deposited sections construct and maintain Works Nos. 5 and 6 hereinafter described together with all necessary and proper works and conveniences connected therewith or incidental thereto, namely:—

Work No. 5 An extension in similar construction of the said pier Work No. 4 commencing at the termination thereof and thence extending seaward in the same south-westerly direction for a distance of 17·4 metres (57 feet) or thereabouts:

Work No. 6 A demolition of part of the existing timber pier and of the south-west corner of the masonry pier and the construction of a quay wall constructed of steel sheet piling tied back to anchors and having a reinforced concrete cope commencing at the termination of Work No. 1 hereinbefore described thence proceeding in a south-easterly direction for a distance of 4·6 metres (15 feet) or thereabouts thence proceeding in a north-easterly direction for a distance of 62·4 metres (205 feet) or thereabouts thence proceeding in a northerly direction for a distance of 15·25 metres (50 feet) or thereabouts and terminating by a junction with the existing masonry quay at a point 22·2 metres (73 feet) or thereabouts west of the existing stairway together with the reclamation, infilling and decking over as a solid structure the area between the said work and the masonry pier, the remaining timber pier strengthened and a wave barrier of timber construction added beneath the timber pier.

PART II
—cont.

(2) The Group may within the limits of deviation renew, enlarge and alter temporarily or permanently the works.

Subsidiary
works.

4. Subject to the provisions of this Order, the Group may, within the limits of deviation from time to time erect, construct and maintain, whether temporarily or permanently, all such necessary works and conveniences as may be requisite or expedient for the purposes of or in connection with the construction, maintenance and use of the works.

Power to
deviate.

5. Subject to the provisions of this Order, in constructing Works Nos. 5 and 6 the Group may deviate laterally from the lines or situations thereof shown on the deposited plans to the extent of the limits of deviation and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding 3 metres (10 feet) upwards and to such extent downwards as may be found necessary or convenient.

Fine for
obstructing
work.

6.—(1) Any person who wilfully obstructs any person acting under the authority of the Group in setting out the lines of Works Nos. 5 and 6, or who damages, moves or removes any pole, stake, station point or bench mark established for the purpose of such setting out shall for every such offence be liable to a fine not exceeding fifty pounds.

(2) Proceedings for any offence under this section or for the recovery of any fine thereunder may be brought in any court of summary criminal jurisdiction.

Survey of
tidal works.

7. The Secretary of State may at any time if he deems it expedient order a survey and examination of a tidal work constructed by the Group or of the site upon which it is proposed to construct the work and any expenditure incurred by the Secretary of State in any such survey and examination shall be a debt due from the Group to the Crown and shall be recoverable accordingly.

Provision
against danger
to navigation.

8.—(1) In case of injury to or destruction or decay of a tidal work or any part thereof, the Group shall forthwith notify the Commissioners of Northern Lighthouses and shall lay down such buoys, exhibit such lights and take such other steps for preventing danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If the Group fail to comply in any respect with any provision of this section, they shall be guilty of an offence and liable on summary conviction to a fine not exceeding one hundred pounds and on conviction on indictment to a fine.

Abatement
of works
abandoned or
decayed.

9.—(1) Where a tidal work is abandoned, or suffered to fall into decay, the Secretary of State may by notice in writing require the Group at their own expense either to repair and restore the work or any part thereof, or to remove the work and restore the site thereof to its former condition, to such an extent and within such limits as the Secretary of State thinks proper.

(2) Where a work authorised by this Order and consisting partly of a tidal work and partly of works on or over land above the level of high water is abandoned or suffered to fall into decay and that part of the work on or over land above the level of high water is in such